

TWELFTH DAY
(Thursday, February 7, 1991)

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the Presiding Officer, Senator Brooks.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Harris of Tarrant, Johnson, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

A quorum was announced present.

The Reverend Norman Roe, Westlake United Methodist Church, Austin, offered the invocation as follows:

Almighty God, as we gather today in Your presence may we remember that You alone are the fountain of wisdom, that You alone are the source of good will, that You alone are the author of laws that are true and just.

Yet, You have shaped us in Your image. So we pray that as we proceed Your image will be reflected. Fix our aim on Your will for a society wherein peace and harmony will reign supreme and no other powers will dominate or inhibit. Guide and blend our individual efforts so that our world may be at least a dim reflection of Your eternal kingdom. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
February 7, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 17, In memory of Preston Shirley.

S.C.R. 10, Congratulating Gilbert Rodriguez on being named person of the year by the Abilene Hispanic Chamber of Commerce.

S.C.R. 15, Commending the 1990-1991 Dickinson High School Marching Band.

H.C.R. 39, Commemorating the 100th anniversary of the National Conference of Commissioners on Uniform State Laws.

H.C.R. 56, Declaring February 7, 1991, Daughters of the Republic of Texas Day at the Capitol.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Truan.

Senator Haley was granted leave of absence for today on account of important business on motion of Senator Truan.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Truan.

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator Truan.

Senator Harris of Dallas was granted leave of absence for today on account of important business on motion of Senator Truan.

CO-AUTHOR OF SENATE BILL 63

On motion of Senator Ellis and by unanimous consent, Senator Ratliff will be shown as Co-author of S.B. 63.

CO-AUTHOR OF SENATE BILL 90

On motion of Senator Johnson and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 90.

RESOLUTIONS SIGNED

The Presiding Officer announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 13

H.C.R. 38

S.C.R. 22

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 7, 1991

**TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

**TO BE A MEMBER OF THE STATE CONSERVATORSHIP BOARD, for a term
to expire February 1, 1997:**

JOSEPH F. PHILLIPS

809 Rio Grande Drive

McAllen, Texas 78501

Mr. Phillips will be replacing Jack N. Roper, Sr., of Dallas, whose term expired.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Austin, Texas
January 29, 1991

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann W. Richards, Governor of the State of Texas, submit the following emergency matter for the immediate consideration by the 72nd Legislature, now convened:

Legislation related to the salary paid the county
attorney of Fayette County.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially
caused the Seal of State to be affixed at my
Office in the City of Austin, Texas, this the 29th
day of January, A.D. 1991.

/s/Ann W. Richards
Governor of Texas

ATTEST:

/s/John Hannah, Jr.
Secretary of State

February 6, 1991

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann W. Richards, Governor of the State of Texas, submit the following emergency matter for the immediate consideration by the 72nd Legislature, now convened:

Legislation related to the creation of emergency
services districts in certain counties.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially
caused the Seal of State to be affixed at my
Office in the City of Austin, Texas, this the 6th
day of February, A.D. 1991.

/s/Ann W. Richards
Governor of Texas

ATTEST:

/s/John Hannah, Jr.
Secretary of State

REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 63

Senator Sims submitted the following report for the Committee on Natural Resources:

**S.B. 121
C.S.S.B. 14**

Senator Dickson submitted the following report for the Committee on Economic Development:

S.B. 262**GUESTS PRESENTED**

Senator Brooks presented the following guests in association with the Texas Academy of Family Physician's "Physician of the Day" program: Dr. A. Earl Mgebroff, past President; Jim White, Executive Director; Sam Stone, General Counsel; Ms. Sarah Hendricks, Legislative Coordinator; and Ms. Stacy Vernon, Special Projects Coordinator.

These guests were escorted to the rostrum, along with Dr. George Mekker, today's participating "Physician of the Day," to receive an enrolled copy of S.C.R. 22, adopted by the Senate on January 31, 1991.

CAPITOL PHYSICIAN

Senator Brown, on behalf of Senator Harris of Dallas, was recognized and presented Dr. George Mekker of Carrollton as the "Doctor for the Day."

The Senate welcomed Dr. Mekker and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Sims was recognized and introduced the delegation from the Texas Agricultural Lifetime Leadership (TALL) program seated in the gallery.

An enrolled copy of S.R. 137, adopted by the Senate on February 4, 1991, was prepared for presentation to the delegation.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 19 by Parker Education
Proposing a constitutional amendment relating to the use of the available school fund.

S.J.R. 20 by Parker Education
Proposing a constitutional amendment authorizing the equitable distribution among school districts of ad valorem taxes assessed and collected for the support of public free schools.

S.B. 351 by Parker Education
Relating to public school finance.

S.B. 352 by Barrientos Economic Development
Relating to the continuation and functions of the State Department of Highways and Public Transportation and the enforcement of weight and load limitations on public highways; providing civil penalties.

SENATE CONCURRENT RESOLUTION 1 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

S.C.R. 1, Granting the Texas DeMolay Association permission to use the house and senate chambers February 16 and 17, 1991, and February 22 and 23, 1992.

The resolution was read second time and was adopted by a viva voce vote.

SENATE BILL 124 ON SECOND READING

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 124** be taken up for consideration at this time:

S.B. 124, Relating to the jurisdiction of the Tarrant County courts at law.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 124 ON THIRD READING

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 124** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

The bill was read third time and was passed by a viva voce vote.

SENATE CONCURRENT RESOLUTION 6 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

S.C.R. 6, Inviting William K. Reilly, administrator of the United States Environmental Protection Agency, to address a joint session of the Senate and House of Representatives of the State of Texas on Tuesday, February 19, 1991.

The resolution was read second time and was adopted by a viva voce vote.

SENATE BILL 59 ON SECOND READING

Senator Leedom moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 59** be taken up for consideration at this time:

S.B. 59, Relating to the authority of the Texas Employment Commission to accept certain donations.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 59 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 59 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 143 ON SECOND READING

Senator Green moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 143 be taken up for consideration at this time:

C.S.S.B. 143, Relating to the disposition of stolen property.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 143 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 143 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 177 ON SECOND READING

Senator Brown moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 177 be taken up for consideration at this time:

C.S.S.B. 177, Relating to the collection and preservation of evidence of a sexual assault or other sex offense.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 177 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 177 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 0.

Absent-excused: Glasgow, Haley, Harris of Dallas, Henderson, Lyon.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0. (Same as previous roll call)

AT EASE

Senator Brooks at 2:46 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Brooks at 3:02 p.m. called the Senate to order as In Legislative Session.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Rosson and by unanimous consent, the Senate at 3:03 p.m. resolved into a Committee of the Whole Senate with Senator Brooks presiding.

IN LEGISLATIVE SESSION

Senator Brooks at 3:55 p.m. called the Senate to order as In Legislative Session.

MEMORIAL RESOLUTIONS

S.R. 153 - By Brown: In memory of Charles Clyde Underwood of Lake Jackson.

S.R. 157 - By Barrientos: In memory of Howard Craver of Texarkana.

CONGRATULATORY RESOLUTIONS

S.R. 154 - By Rosson: Honoring Army Specialist Melissa Rathburn-Nealy of Fort Bliss, who is reported missing in action in the Persian Gulf War.

S.R. 155 - By Rosson: Paying tribute to United States Army Specialist David Lockett of Fort Bliss, who is reported missing in action in the Persian Gulf War.

S.R. 156 - By Barrientos: Expressing gratitude to Pastor David Perez of Austin for his devotion to improving the lives of others through the Victory Outreach Program for chemical and drug abusers and those with criminal records.

S.R. 183 - By Ellis: Commending Jean LaNell Hines Caldwell for her superb contributions to the educational system of Texas and extending best wishes to her for a rewarding retirement.

ADJOURNMENT

On motion of Senator Truan, the Senate at 3:57 p.m. adjourned until 2:00 p.m Monday, February 11, 1991.